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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

INGRAM et al.

Art Unit: 2756

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Application No.: 09/594,786

Examiner:

MAY 23 2001

Filed: June 16, 2000

Attorney Dkt. No.: 023460-00001

Technology Center 2100

For: INTERNET HYPERLINK ENHANCEMENT

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Commissioner for Patents
Washington, D.C. 20231

Date: May 18, 2001

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MAY 29 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Sir:

Pursuant to 37 C.F.R. §1.102(d), and consistent with the procedural requirements of MPEP §708.02(II), Applicants respectfully petition the Office to grant the above-identified patent application "Special Status." Accompanied herewith is a check in the amount of one hundred thirty dollars (\$130.00), representing the petition fee as required by 37 C.F.R. §1.17(i).

In accordance with the express requirements of MPEP §708.02(II)(A), Applicants respectfully assert that there is a product currently on the market and being offered for sale, license, and/or use by CLICKVU, Inc. (www.clickvu.com) that is an infringing device. Additionally, Applicants assert that it appears that this product by CLICKVU, Inc. is infringing Applicant's claimed method of use.

In accordance with the express requirements of MPEP §708.02(II)(B), Applicants respectfully assert that a rigid comparison of the alleged infringing product or method

with the claims of the application has been made and that some of the claims are unquestionably infringed.

For example, claim 1 recites a method for enhancing a hyperlink. This method includes displaying a toolbar if a pointer is proximate the hyperlink for a time period which exceeds a predetermined time, the toolbar displaying at least one link enhancement. The clickvu.com website advertises and demonstrates a product called Banner Menu. When a pointer is placed over the banner ad that uses this product, a toolbar is displayed. This toolbar includes three link enhancements. The link enhancements shown on the clickvu.com toolbar include "Save Ad and Stay Here"; "Visit Advertiser"; and "Share This Ad". Consequently, the first element of claim 1 reads on the method used by the clickvu.com website in the Banner menu product.

Claim 1 further recites that in response to a user's selection of a selected link enhancement, performing the selected link enhancement. On the clickvu.com website, when a user selects the particular link enhancement, that link enhancement performs the desired function. Therefore, the clickvu.com website, for banner ads using the Banner Menu product, respond to a user's selection by performing the selected link enhancement as recited in the second element of Applicants' claim.

Since all elements of claim 1 are performed on the clickvu.com web site for banner ads using the Banner Menu product, this product and website clearly infringe claim 1.

Claim 11 provides a second example. This claim recites a hyperlink enhancement system. This system includes a detector for detecting the presence of a pointer proximate a hyperlink. A users web browser provides a hyperlink detector, since

the pointer (cursor) changes shape when placed over a hyperlink and a menu is displayed when the user places a pointer over a banner ad that uses the Banner menu product.

Claim 11 further recites a display device that displays a toolbar if the pointer remains proximate the hyperlink greater than a predetermined time, the menu containing at least one link enhancement. As discussed above, when a user views the clickvu.com website and selects the Banner Menu hyperlink a web page that displays a banner ad is displayed on the users monitor. Thereafter, when the user places a pointer (cursor), using a mouse, keyboard, or other pointing device, over the banner ad that has a hyperlink a toolbar containing three link enhancements is displayed.

Claim 11 also recites a calling device that calls the link enhancement in response to the user's selection. When the user selects one of the link enhancements from the menu displayed when the user places a pointer over a banner ad using the Banner menu product and selects one of the displayed link enhancements, the appropriate means is called and executed.

Therefore, a user viewing or visiting the Banner Menu page of the clickvu.com website, who places their pointer over a banner ad on this page and selects one of the displayed link enhancements is induced to infringe claim 11.

Claim 19 may be utilized for a third example. Claim 19 recites a hyperlink enhancement system that includes displaying means for displaying a toolbar when the presence of the pointer is detected, the toolbar containing at least one link enhancement. With regard to the clickvu.com website, when a user views the clickvu.com website and selects the Banner Menu hyperlink a web page that displays a

banner ad is displayed on the users monitor. Thereafter, when the user places a pointer (cursor), using a mouse, keyboard, or other pointing device, over the banner ad that has a hyperlink, a toolbar containing three link enhancements is displayed.

Additionally, a calling means calls the selected link enhancement in response to a user's selection. When the user selects one of the link enhancements, the appropriate means is called and executed. Therefore, by visiting the Banner Menu page of the clickvu.com website, placing a pointer over a banner add, and selecting a link enhancement a user is induced to implement a system that infringes Applicants' claimed invention.

As discussed above, some of the claims of the present application are unquestionably infringed by the product and/or method employed at the clickvu.com website.

In accordance with the express requirements of MPEP §708.02(II)(C), Applicants respectfully assert that they have caused to be made a careful and thorough search of the prior art. This search of the prior art was provided as part of an Invention Disclosure Statement that was filed in the U.S. Patent and Trademark Office together with a PTO-1449 on December 19, 2000. Accordingly, copies of each of the references are already of record in the present application.

Conclusion

In summary, Applicants respectfully submit that there is an infringing device, product, and method in use actually on the market as illustrated by the clickvu.com website. A rigid comparison of the infringement device, product and method with the

claims of the application has been made and that some of the claims are unquestionably infringed. Furthermore, a thorough search of the prior art has been performed and is of record at the U.S. Patent and Trademark Office. Applicants therefore submit that the present petition satisfies all of the requirements of 37 C.F.R. §1.102(d), and respectfully request that this application be granted special status. Applicants further request that favorable action on this petition be granted.

Additionally, in the event that the attached check is found to be insufficient, or if any additional fees are due with respect to the filing of this paper, the undersigned authorizes the Office to charge any additional fees to our Deposit Account No. 01-2300 and reference docket number 023460-00001.

Respectfully submitted,

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC



Rustan J. Hill
Registration No. 37,351

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.,
Suite 600
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

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Enclosure:

Check in the amount of \$130.00